

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBIN BLAKE COMBS, SR.,

Plaintiff,

v.

STATE OF WASHINGTON,
WASHINGTON DEPARTMENT OF
CORRECTIONS, ELDON VAIL, BERNIE
WARNER, STEVE HAMMOND,
MICHAEL KENNEY, CARE REVIEW
COMMITTEE, RONALD FREDRICK,
TAMARA ROWDEN, ISRAEL (ROY)
GONZALEZ, JAY JACKSON, DIANA
BENFIELD, GREG GARRINGER, JOENNE
McGERR, GARY FRIEDMAN, JEFFREY A
UTTECHT, DAVID P. BAILEY, MELISSA
ANDREWJESKI, RUBY JOHNSON, MARK
BRAWDY, J. BROWN, BRYAN KING,
KEVIN K. SMITH MD, ELIZABETH
SUITER MD, DALE FETROE MD, JEAN
RYAN, ERIC ASKREN, JANE and JOHN
DOES,

Defendants.

No. C12-5280 RBL/KLS

ORDER DENYING MOTION FOR
ORDER REQUIRING DISCLOSURE OF
SERVICE ADDRESSES UNDER SEAL

Before the Court is Plaintiff's Motion for Order Requiring Disclosure of Service
Addresses to Court Under Seal. ECF No. 8. Plaintiff requests that Defendant Washington State
Department of Corrections (WDOC) be directed to disclose to this Court the current or last
known residential addresses of the defendants who have not yet been served with the complaint
and summons. ECF No. 8.

BACKGROUND

Plaintiff is currently housed at the Monroe Correctional Complex (MCC) in Monroe, Washington. He originally filed this action in Thurston County Superior Court suing various employees at the Department of Corrections (DOC) and the Coyote Ridge Corrections Center (CRCC). ECF No. 2-1. On March 12, 2012, Defendants State of Washington, Washington Department of Corrections, Jeffrey Uttecht, Dave Bailey, Melissa Andrewjeski, Bryan King, Joshua Brown, Eric Askren, Elizabeth Suiter, and Dale Fetroe, were personally served copies of the Summons and Complaint. These Defendants removed the action from the Thurston County Superior Court to this Court, paid the filing fee (Receipt #0981-2764726), and filed their Answer to Plaintiff's Complaint. ECF No. 1; ECF No. 5. The remaining Defendants have not been served. Counsel for the served defendants has not yet determined if the un-served defendants are entitled to representation in accordance with RCW 4.92.060.

Plaintiff was granted leave to proceed *in forma pauperis* in the Thurston County Superior Court. ECF No. 2-2, at 6-7. Plaintiff has not requested nor been granted leave to proceed *in forma pauperis* in this Court.

Plaintiff states that his process server was only willing to serve the Attorney General's office and defendants located at the CRCC, and that he has been unable to discover the *home* addresses of Defendants Eldon Vail, Bernie Warner, Steve Hammond, Michel Kenney, Ronald Fredrick, Tamara Rowden, Israel (Roy) Gonzalez, Jay Jackson, Diana Benfield, Greg Garringer, Joenne McGerr, Gary Friedman, Ruby Johnson, Mark Brawdy, and Kevin K. Smith.¹

¹ Although not specifically identified in his motion, the "Care Review Committee" is also listed in the caption of Plaintiff's complaint. In order to properly serve this entity, Plaintiff will need to list and serve the individual members.

DISCUSSION

Fed. R. Civ. P. 4 (c)(3) provides as follows:

At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *informa pauperis* under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

The rule allows the Court to order service by the Marshal when requested, and mandates it for *in forma pauperis* prisoner plaintiffs proceeding under 28 U.S.C. § 1915. Although Plaintiff was granted leave to proceed *in forma pauperis* in the state court, he has not requested nor been granted leave to proceed *in forma pauperis* in this case in this Court. Therefore, he must submit the appropriate application before the Court may consider his motion for service.

In addition, an *in forma pauperis* plaintiff still bears the burden of providing accurate and sufficient information to effect service of the summons and complaint. When a *pro se* plaintiff fails to provide the court with accurate and sufficient information to effect service of the summons and complaint, the Court's *sua sponte* dismissal of the unserved defendant is appropriate. *Walker v. Sumner*, 14 F.3d 1415, 1421-22 (9th Cir. 1994) (quoting *Puett v. Blanford*, 912 F.2d 270, 275 (9th Cir. 1990)), abrogated on other grounds by *Sandin v. Connor*, 515 U.S. 472 (1995). Despite a plaintiff's *in forma pauperis* status, he must supply the information necessary to identify the defendants to be served. See *Walker*, 14 F.3d at 1415. If a plaintiff requires additional time to research and effect service, the Court will consider a motion for a good cause extension of time for an appropriate period pursuant to Fed. R. Civ. P. 4(m).

Here, for example, it appears that many of the named defendants are still employed by the Department of Corrections. Thus, it is not necessary to obtain their home addresses in order to serve them. If they are no longer employed by the Department of Corrections and it is not

possible to obtain their last known work addresses, a sensible solution may be for the Defendants to submit their last known work and/or home addresses to the Court under seal so that the Clerk may attempt to effect service. At this juncture, however, such a determination is premature. Plaintiff must first apply for and be granted *in forma pauperis* status in this Court and provide the Court with the service information that he has been able to obtain on the remaining unserved defendants.

Accordingly, it is **ORDERED**:

(1) Plaintiff's Motion for Order Requiring Disclosure of Service Addresses to Court Under Seal (ECF No. 8) is **DENIED**.

(2) The Clerk shall send Plaintiff the appropriate forms to submit an application to proceed *in forma pauperis*.

(3) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

DATED this 23rd day of July, 2012.


Karen L. Strombom
United States Magistrate Judge